

Proposed Amendments:

**SECTION #.** G.S. 160D-946 reads as rewritten:

**"§ 160D-946. Required landmark designation procedures.**

As a guide for the identification and evaluation of landmarks, the preservation commission shall undertake, at the earliest possible time and consistent with the resources available to it, an inventory of properties of historical, architectural, prehistorical, and cultural significance within its jurisdiction. ~~Such~~ The inventories and any additions or revisions ~~thereof to them~~ shall be submitted as expeditiously as possible to the Office of Archives and History. ~~No regulation or amendment to a regulation~~ designating a historic building, structure, site, area, or object as a landmark ~~nor any amendment thereto may shall~~ be adopted, ~~nor may any and no property shall~~ be accepted or acquired by a preservation commission or the governing board, until all of the following procedural steps have been taken:

- (1) The preservation commission ~~shall~~ (i) prepare and adopt prepares and adopts rules of procedure and (ii) prepare and adopt prepares and adopts principles and ~~guidelines, standards,~~ not inconsistent with this Part, for altering, restoring, moving, or demolishing properties designated as landmarks.
- (2) The preservation commission ~~shall make or cause to be made forwards to the Office of Archives and History of the North Carolina Department of Natural and Cultural Resources~~ an investigation and report on the historic, architectural, prehistorical, educational, or cultural significance of each building, structure, site, area, or object proposed for designation or acquisition. Such investigation or report shall be forwarded to the Office of Archives and History, North Carolina Department of Cultural Resources.
- (3) The Department of Natural and Cultural Resources, acting through the State Historic Preservation Officer, ~~shall, upon request of the department or at the initiative of the preservation commission, be given an opportunity to review and comment upon the substance and effect of the designation of any landmark pursuant to this Part. Any comments shall be provided in writing. If the Department does not submit its comments or recommendation in connection with any designation within 30 days following receipt by the Department of the investigation and report of the preservation commission, the commission and any governing board shall be relieved of any responsibility to consider such comments.~~ Resources is allowed 30 days from receipt of the preservation commission's complete investigation and report to provide written comments to the commission concerning the proposed designation or acquisition. Failure of the Department to submit its comments within the time allowed relieves the commission and the governing board of any responsibility to consider the comments.
- (4) The preservation commission and the governing board ~~shall~~ hold a joint legislative hearing or separate legislative hearings on the proposed regulation. Notice of the hearing shall be made as provided by G.S. 160D-601. Following
- (5) ~~Following the hearings,~~ the governing board may adopt the regulation as proposed, adopt the regulation with any amendments it deems necessary, or reject the proposed regulation.
- (6) Upon adoption of the regulation, the owners and occupants of each designated landmark ~~shall be~~ are given written notice of ~~such the~~ designation within a

reasonable time. One copy of the regulation and all amendments ~~thereto to it~~ shall be filed by the preservation commission in the office of the register of deeds of the county in which the landmark ~~or landmarks are~~ is located. In the case of any landmark property lying within the planning and development regulation jurisdiction of a city, a second copy of the regulation and all amendments ~~thereto to it~~ shall be kept on file in the office of the city or town clerk and be made available for public inspection at any reasonable time. A third copy of the regulation and any amendments shall be given to the local government building inspector. The fact that a building, structure, site, area, or object has been designated a landmark shall be clearly indicated on all tax maps maintained by the local government for such period as the designation remains in effect.

- (7) Upon the adoption of the landmark regulation or any amendment ~~thereto, it shall be the duty of to it,~~ the preservation commission to give-gives notice ~~thereof of the regulation or amendment~~ to the tax supervisor of the county in which the property is located. The designation and any recorded restrictions upon the property limiting its use for preservation purposes shall be considered by the tax supervisor in appraising it for tax purposes."

Explanation:

The GSC reviewed most of these changes for inclusion in the GSC technical corrections bill this session, in order to change "Department of Cultural Resources" to "Department of Natural and Cultural Resources" in subdivisions (2) and (3), and make other general clean-up changes. The Commission directed staff to request the Department of Natural and Cultural Resources (DNCR) to review the rewrite of subdivision (3) by prior to inclusion in the bill.

We provided DNCR a copy of the proposed technical correction, along with explanation that the corrections are not intended to have substantive effect, and inquired as to whether there would be any concerns about the rewrite of subdivision (3). DNCR responded that the change in subdivision (3) from commenting on "the substance and effect of the designation" to commenting "concerning the proposed designation" would allow for broader comments from DNCR. They expressed that they were in favor of this change. DNCR also had other comments and requests for clarifying changes to the statute. This version reflects the additional clarifying changes accepted by the General Statutes Commission at the September 10 meeting, and has been approved by DNCR.